

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DAVID EARL JOHNSON

Petitioner

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 2:14-CV-00315

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

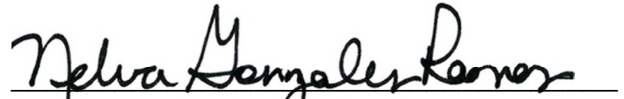
On June 10, 2015, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation” (D.E. 13), recommending that Respondent’s Motion to Dismiss be granted because Petitioner is not entitled to have the disputed time served in custody credited against his federal sentence when it has already been credited against his state sentence. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 13), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the

findings and conclusions of the Magistrate Judge. Accordingly, the Respondent's Motion to Dismiss (D.E. 6) is **GRANTED** and this action is **DISMISSED WITH PREJUDICE**.

ORDERED this 20th day of July, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE